

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	19-cr-10063-DJC
)	
RANDALL CRATER,)	
)	
Defendant)	

DEFENDANT RANDALL CRATER'S MOTION *IN LIMINE* TO
REQUIRE THE GOVERNMENT TO PRESENT A PROFFER OF PROOF
ON CO-CONSPIRATOR DECLARATIONS AND CONSPIRACY EVIDENCE

Defendant Randall Crater, by and through undersigned counsel, and respectfully requests this Court to require the government to present a proffer of proof on the co-conspirator declarations and conspiracy evidence it intends to offer at trial. Such a procedure, discussed favorably by the Seventh Circuit (Prentice Marshall, sitting by designation) in United States v. Andrus, 775 F.2d 825, 837 (1985) has the advantages of avoiding a mistrial if this Court rules against the government when making its final Petrozziello ruling at the conclusion of the evidence and judicial economy.

WHEREFORE, as more particularly described in the memorandum attached hereto, defendant respectfully requests this Court to require the government to present a proffer of proof on the co-conspirator declarations and conspiracy evidence it intends to offer at trial.

REQUEST FOR ORAL ARGUMENT

Defendant believes that oral argument will assist the Court and requests a hearing on this motion pursuant to Local Rule 7.1 (D).

Respectfully submitted,
For the Defendant,
Randall Crater
By his attorneys:

/s/ Scott P. Lopez

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Dated: June 9, 2022

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

The undersigned counsel for Randall Crater hereby certifies that he attempted to confer with AUSA Christopher J. Markham on June 9, 2022, by telephone, in a good faith attempt to resolve or narrow the issue raised in this motion.

/s/ Scott P. Lopez

Scott P. Lopez

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on June 9, 2022.

/s/ Scott P. Lopez
Scott P. Lopez